IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WP(C).No. 13082 of 2007(G)

PETITIONER:

SRI. M.G.RAMACHANDRAN NAIR,
RETD. ADMINISTRATIVE OFFICER, MANGARA HOUSE,
PAMBADY, POOTHAKUZHY P.O.

BY ADV. SRI.P.GOPAL
SRI.RAJAN NAMBRATH

RESPONDENTS:
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1. THE TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY, NANTHANCODE,
THIRUVANANTHAPURAM-3.

2. THE DEVASWOM COMMISSIONER,
TRAVANCORE DEVASWOM BOARD, THIRUVANANTHAPURAM.

BY ADV. SRI.D.SREEKUMAR, SC, TDB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 13082/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER OF THE BOARD ROC NO. 419P/93/PEN DT. 12/1/95.

EXT.P2. COPY OF THE REPRESENTATION DT. 2/6/93, BY THE PETITIONER TO THE DEVASWOM BOARD.

EXT.P3. COPY OF THE REPRESENTATION DT. 9/09/96 BY THE PETITIONER TO THE DEVASWOM BOARD.

EXT.P4. COPY OF THE REPRESENTATION DT. 31/1/97 BY THE PETITIONER TO THE DEVASWOM BOARD.

EXT.P5. COPY OF THE REPRESENTATION DT. 25/09/97 BY THE PETITIONER TO THE DEVASWOM BOARD.

EXT.P6. COPY OF THE REPRESENTATION DT. 30/5/00 BY THE PETITIONER DT. 30/5/00 BY THE PETITIONER TO THE DEVASWOM BOARD.

EXT.P7. COPY OF THE MEMO DT. 27/3/98 OF THE ASST. DEVASWOM COMMISSIONER, KOTTAYAM GROUP.

EXT.P8. COPY OF THE EXPLANATION OF THE PETITIONER DT. 10/4/98.

RESPONDENT'S EXHIBITS **NIL.**

True copy

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V.GIRI, J.

W.P.(C).No.13082 of 2007 G

Dated this the 3rd day of October, 2007.

JUDGMENT

The petitioner retired as an Administrative Officer of the Travancore Devaswom Board on 30.4.1993. His grievance is that the Death cum Retirement Gratuity due to him has not been disbursed to him. So also, he has a grievance that the last pay was not disbursed to him.

2. Reference is made in the writ petition to Ext.P7 show cause notice issued on 27.3.1998 i.e., about 5 years after the retirement of the petitioner, propriety to fix a liability of Rs.1,50,000/- on the petitioner and the reply, Ext.P8 given on 10.4.1998. Nothing was heard thereafter.

3. Mr.D.Sreekumar, learned standing counsel for the Devaswom Board, submits that no steps have been taken subsequent to Ext.P8 finally fixing the liability of the petitioner.

4. In the circumstances, the petitioner is entitled to get the Death cum Retirement Gratuity due to him.

The writ petition is disposed of directing the first respondent to pay the Death cum Retirement Gratuity and the last pay due and admissible to the petitioner within one month

from the date of receipt of a copy of this judgment. It is made clear that this is without prejudice to the right of the Devaswom Board to complete the proceedings initiated under Ext.P7 and then seek recovery of loss that may have been caused by the petitioner to the Devaswom Board in accordance with law. The petitioner's claim for interest is left open to be agitated in appropriate proceedings. The claim made by the petitioner under Exts.P2 to P6 is left open and it is open to the petitioner to prosecute the same.

Sd/-

(V.GIRI)

JUDGE

sk/

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